

1

2

3

4

5

6

7       SELECT COMMITTEE TO INVESTIGATE THE  
8       JANUARY 6TH ATTACK ON THE U.S. CAPITOL,  
9       U.S. HOUSE OF REPRESENTATIVES,  
10      WASHINGTON, D.C.

11

12

13

14

15      DEPOSITION OF: CYNTHIA "CINDY" CHAFIAN (NO-SHOW)

16

17

18

19                                      Thursday, October 28, 2021

20

21                                      Washington, D.C.

22

23

24

25                      The deposition in the above matter was held in Room 1540A, Longworth House

- 1 Office Building, commencing at 10:00 a.m.

1

2     Appearances:

3

4

5

6     For the SELECT COMMITTEE TO INVESTIGATE

7     THE JANUARY 6TH ATTACK ON THE U.S. CAPITOL:

8

9     [REDACTED] SENIOR INVESTIGATIVE COUNSEL

10    [REDACTED] INVESTIGATIVE COUNSEL

11   [REDACTED] CHIEF CLERK

1

2

3 [REDACTED] All right. We're on the record.

4 Today is Thursday, October 28th, 2021. The time is 10:00 a.m.

5 We are convened in the Longworth House Office Building, Room 1540A, for the  
6 deposition of Cynthia Chafian, to be conducted by the House Select Committee to  
7 Investigate the January 6th Attack on the United States Capitol.

8 The person transcribing this proceeding is the House stenographer and a notary  
9 public authorized to administer oaths.

10 My name is [REDACTED] and I am the designated staff counsel for the select  
11 committee for this proceeding. I would ask that the other staff present please identify  
12 themselves for the record.

13 [REDACTED] also staff counsel.

14 [REDACTED] chief clerk.

15 [REDACTED] For the record, it is 10:00 a.m. and Ms. Chafian is not present.

16 On September 29th, 2021, Chairman Bennie Thompson issued a subpoena to Ms.  
17 Chafian, both to produce documents by October 13th, 2021, and to testify at a deposition  
18 today, October 28th, at 10:00 a.m.

19 The subpoena is in connection with the Select Committee's investigation into the  
20 facts, circumstances, and causes of the January 6th attack and issues relating to the  
21 peaceful transition of power, in order to identify and evaluate lessons learned, and to  
22 recommend to the House and its relevant committees corrective laws, policies,  
23 procedures, rules, or regulations.

24 This inquiry includes examination of how various individuals, to include Ms.  
25 Chafian, and entities coordinated their activities leading up to the events of January 6th,

1 2021.

2 Ms. Chafian has not produced any documents or appeared today to testify.

3 I will mark as exhibit 1 and enter into the record the select committee's subpoena  
4 to Ms. Chafian, included with which are the materials that accompanied the subpoena,  
5 which include a letter from the Chairman, a document schedule with accompanying  
6 production instructions, and a copy of the deposition rules.

7 [Chafian Exhibit No. 1

8 Was marked for identification.]

9 [REDACTED] I will mark as exhibit 2 and enter into the record an email exchange  
10 between [REDACTED] and Ms. Chafian from September 28th, 2021, until October 18th,  
11 2021.

12 [Chafian Exhibit No. 2

13 Was marked for identification.]

14 [REDACTED] In sum and substance, the email exchange reflects as follows:

15 On September 28th, [REDACTED] contacted Ms. Chafian via email to ask whether  
16 she would accept service of the subpoena via email. Ms. Chafian responded and  
17 confirmed she would accept service via email, and advised she was in the process of  
18 securing counsel.

19 The following day, September 29th, at approximately 5:18 p.m., [REDACTED] sent  
20 the subpoena and the accompanying materials in exhibit 1 to Ms. Chafian via email. Ms.  
21 Chafian responded at 5:44 p.m., quote, "Received," end quote.

22 Eight days later, on October 7th, [REDACTED] emailed Ms. Chafian to inquire  
23 whether she had retained an attorney. Ms. Chafian did not respond.

24 Six days after that, on October 13th, at approximately 10:06 a.m. -- that is, after  
25 the deadline to produce documents pursuant to the subpoena -- [REDACTED] again

1      emailed Ms. Chafian to inquire whether she had dropped documents off at the location  
2      specified by the subpoena.

3 Ms. Chafian responded at 10:29 a.m. that she had not produced documents and  
4 that she had not yet retained an attorney. She also requested an extension of  
5 unspecified length.

6 [REDACTED] responded at 11:58 a.m. with an extension of the document  
7 production deadline until October 18th, 2021, at 10:00 a.m. [REDACTED] also explained  
8 that this extended deadline was not contingent on Ms. Chafian retaining an attorney and  
9 invited Ms. Chafian or her counsel to call to discuss whether any further extension of the  
10 deadline would be necessary as a reasonable scheduling accommodation. The email  
11 also emphasized that the October 28th deposition was still scheduled to go forward.

12 On October 18th, at approximately 12:44 p.m., [REDACTED] again emailed Ms.  
13 Chafian after the extended deadline for documents had passed and the select committee  
14 staff had not received any documents. [REDACTED] also reminded Ms. Chafian that the  
15 October 28th deposition was still scheduled and advised Ms. Chafian or her attorney to  
16 reach out to discuss logistics for her appearance.

17 In summary, Ms. Chafian did not respond to [REDACTED] October 18th email.

18 Finally, I will mark as exhibit 3 and enter into the record an email from [REDACTED]  
19 to Ms. Chafian sent Monday, October 25th, 2021, at approximately 12:53 p.m., as well as  
20 an attachment thereto.

21 [Chafian Exhibit No. 3]

22 Was marked for identification.]

23 [REDACTED] In the email, [REDACTED] advises Ms. Chafian that he is attaching a  
24 letter from Chairman Thompson and notes that her deposition is still on schedule for  
25 October 28th. He also notes having left Ms. Chafian several voice mails regarding

1 logistics for the deposition and asks for a return call.

2 In sum and substance, the attached letter from Chairman Thompson to Ms.  
3 Chafian summarizes the email exchange included in exhibit 2 and notes Ms. Chafian's  
4 failure to produce documents by the extended deadline on October 18th, 2021.

5 The chairman's letter explains Ms. Chafian remains under a legal obligation to  
6 produce documents called for in the subpoena and to appear for a deposition on  
7 October 28th at 10:00 a.m. The letter also warns Ms. Chafian of the consequences of  
8 willful noncompliance, including a potential invocation of contempt of Congress  
9 procedures outlined by Title 2 of the United States Code, Sections 192 and 194, or a civil  
10 action seeking enforcement of the subpoena.

11 I will note for the record that the time is now 10:06 a.m. and Ms. Chafian still has  
12 not appeared or communicated to the select committee that she will appear today as  
13 required by the subpoena.

14 Accordingly, the record is now closed as of 10:06 a.m.

15 [Whereupon, at 10:06 a.m., the deposition was concluded.]

16

17